

### **IC 5-2-6.3**

#### **Chapter 6.3. Broadcast or Publication of Crime Stories of Accused or Convicted Felons**

### **IC 5-2-6.3-1**

#### **Division**

Sec. 1. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute.

*As added by P.L.47-1993, SEC.3.*

### **IC 5-2-6.3-2**

#### **Responsible party**

Sec. 2. As used in this chapter, "responsible party" means an individual who has been formally charged with or convicted of a felony.

*As added by P.L.47-1993, SEC.3.*

### **IC 5-2-6.3-3**

#### **Payment of proceeds to division; notice to victims and escrow of money**

Sec. 3. (a) If:

(1) a responsible party derives income or other proceeds directly or indirectly from a felony of which the responsible party has been accused or convicted:

(A) the responsible party; or

(B) any other person that possesses or controls the income or proceeds;

shall transfer ninety percent (90%) of the income or proceeds to the division; and

(2) a person contracts with a responsible party after August 31, 1982, for:

(A) the publication of;

(B) the broadcasting of; or

(C) a speaking engagement in which the responsible party speaks about;

the responsible party's thoughts, feelings, opinions, or emotions regarding a felony of which the responsible party has been accused or convicted, the person shall submit a copy of the contract to the division and shall pay to the division ninety percent (90%) of the money that would otherwise, by terms of the contract, be owed to the responsible party.

(b) The division shall do the following:

(1) Notify:

(A) all victims of the felony for which the responsible party has been accused or convicted; or

(B) if a victim is deceased, the victim's heirs;

that the responsible party has entered into a contract described in subsection (a).

(2) Deposit the money under subsection (a) in a separate interest bearing escrow account.

(3) Only make distributions from the account in accordance with this chapter.

*As added by P.L.47-1993, SEC.3. Amended by P.L.60-1995, SEC.1.*

#### **IC 5-2-6.3-4**

##### **Distribution of escrowed money to indigent responsible parties**

Sec. 4. (a) The responsible party may petition the court before which the responsible party is to be tried or in which the responsible party has been convicted for an order requiring the division to distribute money from the escrow account to the responsible party in an amount up to the total in the escrow account at the time the petition is filed.

(b) The court shall make an order under subsection (a) only upon a showing that:

(1) without use of the money held in the escrow account, the responsible party would be indigent; and

(2) the money will be used for the exclusive purpose of retaining legal counsel or for investigation during any stage of the felony proceedings against the responsible party, including the appeals process.

(c) Upon receipt of a court order issued under this section, the division shall distribute the required amount from the money in the escrow account.

*As added by P.L.47-1993, SEC.3.*

#### **IC 5-2-6.3-5**

##### **Distribution of escrowed money to victims and victims' heirs receiving damage awards**

Sec. 5. (a) Subject to subsection (b), if the victim or the victim's heirs receive a damage award as a result of a civil action arising from the felonious act that has been charged, the person awarded the damages may petition the court for an order requiring the division to distribute money to the person from the escrow account.

(b) The court may make an order under subsection (a) only for an amount equal to the amount by which the damage award exceeds the value of the defendant's assets that are in the defendant's possession and that can be taken by the plaintiff to satisfy the damage award.

*As added by P.L.47-1993, SEC.3.*

#### **IC 5-2-6.3-6**

##### **Distribution of escrowed money to incarceration expenses and violent crime victims compensation fund**

Sec. 6. (a) Subject to subsection (c), if:

(1) the responsible party has been found to be:

(A) guilty;

(B) guilty but mentally ill; or

(C) not responsible by reason of insanity;

for the act of which the party has been accused; and

(2) the responsible party has exhausted all appeals or if the time for appeals has expired;

the division may distribute all money remaining in the escrow account under subsection (b) after the money has been distributed to a victim or the victim's heirs under section 5 of this chapter.

(b) The division shall distribute money remaining in the escrow account in the following priority:

(1) The money shall be distributed to the state or local governmental entity that has incurred or will incur the greatest expense to incarcerate the responsible party in an amount equal to:

(A) the amount of money the entity spent to incarcerate the responsible party; or

(B) the estimated amount of money the entity will spend to incarcerate the responsible party.

(2) If there is any money remaining after the distribution under subdivision (1), the money shall be distributed to any other state or local governmental entity that incurred expenses to incarcerate the responsible party in an amount equal to the amount of money the entity spent to incarcerate the responsible party.

(3) If there is any money remaining after the distribution under subdivision (2), the money shall be distributed to the violent crime victims compensation fund established by IC 5-2-6.1-40.

To receive money distributed under this subsection, a state or local governmental entity must petition the court before which the responsible party is to be tried or in which the responsible party has been convicted for an order requiring the division to distribute money to the entity from the escrow account.

(c) The division may not make the payment under this section unless at least two (2) years have elapsed from the time the responsible party committed the act for which the responsible party has been charged. The division may not make the payment while a civil action arising from the felony is pending.

*As added by P.L.47-1993, SEC.3. Amended by P.L.60-1995, SEC.2.*

### **IC 5-2-6.3-7**

#### **Distribution of escrowed money to responsible parties not convicted of felonies**

Sec. 7. (a) Except as provided in subsection (b), if:

(1) a responsible party is found to be not guilty or has had the case against the responsible party dismissed; and

(2) if all periods for appeal by the state have expired;

the division shall distribute all money remaining in the escrow account to the responsible party.

(b) If a responsible party is found to lack the competency necessary to stand trial, the division shall distribute all money remaining in the escrow account to the responsible party if:

(1) the responsible party does not become competent to stand trial within five (5) years after the money is first placed in the escrow account; and

(2) a civil action arising from the felony of which the

responsible party is accused is not pending.  
*As added by P.L.47-1993, SEC.3.*